

**Submitted Questions with Answers**

**1. Question:** On Page 3, B.3 and Page 21, C.7, Contract Start-Up: Each CLIN from 0001A-0005A for contract period I, and CLIN 0001B -0005B for contract period II and so on each have estimated document numbers for the purpose of providing unit cost per CLIN. However, for Contract Start-Up, which is the first 6 months after contract award, there is no estimated document number provided. CLIN 0001A has the estimated number for the next six months of the contract period I.

(A) Have we to assume that the estimated document numbers for CLIN 0006 is the same as CLIN 0001A, i.e. 262040?

(B) Please clarify what is meant by “**Lot**” in CLIN 0006 under Unit?

(C) Does the contractor have to provide a lot size, or documents per lot and provide cost estimate based on the lot?

**Answer for (A):** No, see section C.7 of the RFP.

**Answer for (B):** Lot refers to the aggregate of work performed during the start up period not compensable under another CLIN.

**Answer for (C):** See answers to questions (A) and (B) above.

**2. Question:** On Page 23, C.11 titled Reporting Requirements states that the contractor shall provide daily, weekly and monthly reports as required. Please elaborate on the frequency of reports required and their format. Previous RFP had screen shots of forms.

**Answer:** It is anticipated that the reports would be general in nature, tracking output and quality from the successful Offeror under the resulting contract. The format and detailed content will be determined in consultation with the successful offeror.

**3. Question:** On Page 36, H.14 and Page 38, H.18: Duplication and Disclosure of Confidential Data: Patent image and text data received from USPTO has to be stored in the contractor’s depository to facilitate the performance of the work under this contract. This may require duplication.

(A) Please clarify the restrictions regarding duplication of Government Furnished Data.

(B) Can the contractor save the data and later, after the end of the total contract period counting all the option periods, delete the data following USPTO instructions?

**Answer for (A):** See Amendment 0001 to the RFP. (Amendment 0001 deletes the word “Duplication” from the clause)

**Answer for (B):** There is no need to make back up copies of USPTO provided data in the event of a system loss because additional copies can be requested from the USPTO. See Amendment 0001 to the RFP.

**4. Question:** On page 36, H.15, Contractor Employees: Must be US Citizens or have legal status in USA and have continuously resided in the USA for the last 2 years.

**(A)** Does that imply that the work needs to be done only in the US?

**(B)** Or can any portion of the work, or the whole work be done outside of USA?

**Answer for (A):** Yes.

**Answer for (B):** Work shall only be performed inside the continental United States, Alaska or Hawaii.

**5. Question:** On page 48, L.3 and Page 56, L.20, Proposal Requirements: States that Volume I shall not exceed 50 total pages (on page 48), whereas on page 56, under Summary, it states that Volume I shall not exceed 45 total pages. Please clarify the exact page count requirements for Volume I.

**Answer:** See Amendment 0001 to the RFP. (50 total pages is the correct limit)

**6. Question:** On page 50, L.3.2, Past Performance: Requires similar size and similar services.

**(A)** Can one team member have the related similar services past performance and the other team member show similar size?

**(B)** To attract more bidders, can similar size requirement be dropped from the Past Performance Requirement?

**Answer for (A):** No. In accordance with Section L.3.2, paragraph 3 of the RFP, "Those Offerors who have no relevant past performance history will not be evaluated either favorably or unfavorably on past performance."

**Answer for (B):** No. However, Offerors are not required to have past performance or present performance in similar services in programs of similar size and complexity to be **qualified** to submit a proposal under the subject RFP. Also see the answer to question number 6(A).

**7. Question:** On page 52-53, L.7 and page 50, L.3.2: Small Business Subcontracting Plan does not mandate the attachment of a Teaming Agreement.

**(A)** PTO should require the Prime to identify each subcontractor by name, their relevant capability and the commitment % of the Prime to that subcontractor.

**(B)** PTO should require submission of a fully executed Teaming Agreement by the Prime Contractor.

**Answer for (A):** See Amendment 0001 to the RFP which modifies section L.3.2, paragraph 2 and section L.7 of the RFP.

**Answer for (B):** The submission of a fully executed Teaming Agreement is not a requirement under the subject RFP.

**8. Question:** On page 55, L.12: Prohibitions on Multiple Proposals:

(A) Can one vendor be a Prime in one proposal and a subcontractor in another proposal?

(B) Can one vendor be a subcontractor with two separate Primes?

**Answer for (A):** Yes.

**Answer for (B):** Yes.

**9. Question:** On page 51, L.4: Wrong solicitation number is given in the last line of this section. Needs to be corrected.

**Answer:** See Amendment 0001 to the RFP. (Amendment 0001 will correct the solicitation number under Section L.4)

**10. Question:** It was mentioned at the pre-proposal conference for RFP DOC-52-PAPT-06-01010 that an earlier RFI on this subject had been previously released. It sounded as if the RFI may include some additional information regarding this effort that may be helpful in submitting this proposal, for instance, estimates of number of applications by subject areas. Can a copy of the previous RFI be made available on the web site or for review?

**Answer:** A copy of the previous RFI will not be made available, however a historical breakout of the number of applications filed in each Technology Center will be posted on the RFP homepage along with the Questions and Answers.

**11. Question:** The USPTO CFO indicated that a previous A-76 study had been completed on this effort. Can the A-76 study or the results of the study be made available for review?

**Answer:** No.

**12. Question:** REFERENCE Section B, CLIN 0001:

- (A) Please define the scope of the requirements to be fulfilled under CLIN 0001.
- (B) Please describe the source of the estimated quantities for each contract period under CLIN 0001, and please provide copies of the relevant data.
- (C) Please state whether, and if so, how, USPTO has taken account of the contract start-up period under Contract Period I in estimating quantities during Contract Period I.

**Answer for (A):** See Section C of the RFP.

**Answer for (B):** The source of the estimated quantities is based on the historical filing rates as well as projections prepared for USPTO planning purposes. Also, see the answer to question number 10.

**Answer for (C):** Please refer to the following footnote located on page 3 of the RFP  
“ \*Based on 75% of the entire quantity of applications available during the twelve-month period.”

**13. Question:** REFERENCE Section B, CLINs 0002-0004

- (A) Please describe the basis for the estimates for the referenced CLINS, and please provide copies of the relevant data.
- (B) Can USPTO provide estimates of the relative percentages of Electrical, Mechanical and Chemical PG Pubs patents that will be supplied in CLINS 0001A through 0001K and 0002A through 0002K?

**Answer for (A):** The estimated quantities for CLIN 0002 were derived from historical early publication requests. The estimated quantities for CLIN's 0003 and 0004 were derived from historical classification change requests.

**Answer for (B):** See the answer to question number 10.

**14. Question:** Section B, CLIN 0005 states that the estimate for CLIN 0005 is "not based on historical data." Please state the basis for the estimate, and, if appropriate for USPTO to do so, we would ask that USPTO make the underlying data available to prospective offerors.

**Answer:** Item 0005 is a new requirement and therefore cannot be based on historical data.

**15. Question:** REFERENCE SECTION B.14, PRICE REDUCTION AND SECTION M.6, EVALUATION PROCEDURES. Section B.14 states that USPTO may evaluate proposed price reductions during contract performance for price realism. Does USPTO reserve the same right to evaluate prices for realism at the time of initial award, under Section M.6, which sets forth evaluation procedures for initial award?

**Answer:** The USPTO will evaluate price proposals submitted under the RFP for price reasonableness, not price realism.

**16. Question:** REF.: SECTION C.3, PROJECT BUDGET. The referenced section states as follows:

The following government estimate is provided for this requirement for information only. The USPTO reserves the right to award a contract in an amount in excess of the government estimate.

Year 1 of the requirement - \$6,750,097

Year 2 of the requirement - \$9,902,047

Year 3 of the requirement - \$10,957,146

Year 4 of the requirement - \$12,126,853

Year 5 of the requirement - \$13,416,648

Total for years 1 through 5 - \$53,152,791

(A) Do the referenced amounts reflect amounts budgeted (as the section heading suggests), authorized, appropriated and/or obligated for this contract?

(B) Will the referenced amounts be used in evaluating proposed prices under Section M?

(C) Are the amounts stated based on the volumes given in the "Estimate" column of sections B.3-B.7?

(D) Would USPTO be able to break down the amounts by CLIN in each year?

**Answer for (A):** See Amendment 0001 under the RFP. The referenced amounts reflect the government estimate for this requirement.

**Answer for (B):** The reference amounts will be used to assist in determining price reasonableness of the price proposals submitted under the RFP.

**Answer for (C):** Yes.

**Answer for (D):** No.

**17. Question:** REF.: C.6.4 CORRECTION OF CLASSIFICATIONS FOR ISSUING US PATENTS. Will the USPTO provide the data for corrections (CLIN 0003)? The RFP states “the process is same as for applications” so it is inferred but not clear.

**Answer:** The USPTO will provide all current classification(s) and indicate which one(s) are no longer valid for an issuing patent. This will usually be due to a reclassification project that has abolished one or more of the classifications. The USPTO will provide a copy of the granted application file including the allowed claims. The contractor will provide the replacement classification(s) by using the same classification process as is used to provide primary, mandatory and discretionary classifications for CLIN0001 Pre Grant Publications. The contractor will already be aware of any new classifications schedules and definitions, since the contractor will be using them to assign classifications under CLIN0001.

**18. Question:** REFERENCE: SECTION C.6.6, RESEARCHING CLASSIFICATIONS. The referenced section describes the work under CLIN 0005A through 0005K, which is to be done on a fixed-price, indefinite-delivery/indefinite-quantity basis, as follows:

#### C.6.6 Researching Classifications

On occasion, the contractor will be required to perform research, determine the most appropriate Primary classification and provide appropriate justifications (CLIN 0005A through 0005K). The contractor will justify the most appropriate primary classification and any other highly relevant classifications by citing relevant classification schedules/definitions/rules/policies and/or patents.

The proposed scope of work is very broadly defined, and as a result may result in inefficiencies in both contract formation and performance. Attachment A to the solicitation, the Performance Requirements Summary, <http://www.uspto.gov/web/offices/ac/comp/proc/pgpub/pgpubatta.pdf>, does not seem to clarify CLIN 0005. Would USPTO provide more definition to this scope of work, or consider offers under this CLIN on a time-and-materials basis?

**Answer:** Research classification work is anticipated to most often arise when multiple mandatory classifications are possible or when no single USPC class clearly provides for the invention. Normally the primary classification has been selected by the contractor and the application routed to the art unit where the primary classification is examined. Upon review by government personnel, however, the claimed subject matter is not deemed to be appropriate for examination in that art unit, not because of clear error in determining the primary classification, but because it is believed to be better classified and examined in another class/subclass. After reasonable efforts are made by government personnel to determine an alternative primary classification for the case to be examined, there is still no resolution.

At this point, the contractor would be asked to research and provide supporting documentation to determine the recommended primary classification. Most often,

producing this documentation would involve finding similar prior art and pointing to where in the schedules/definitions/rules and/or policies the problem has been addressed. It would also involve reviewing claims in any relevant patents issued in the mandatory classifications, comparing them to the claims in the application in question, and from that justifying the most appropriate primary classification and any other highly relevant classifications. In some cases, the prior art may either not exist or may be divided between more than one USPC class. In those cases, the contractor would review the class and subclass definitions, USPC rules and policies and then make a recommendation for the Primary classification.

**19. Question:** REFERENCE C.6.7 REPRESENTATIVE FIGURES.

(A) For Representative Figures is the requirement only to identify the appropriate figure?

(B) Can USPTO confirm that they do not want the contractor to clip the figures out and supply them as separate files?

**Answer for (A):** Yes.

**Answer for (B):** The USPTO confirms that we do not want the Successful Offeror under the resulting contract to clip the figures out and supply them as separate files.

**20. Question:** REFERENCE SECTION C.10 GOVERNMENT FURNISHED EQUIPMENT/INFORMATION.

(A) Will all materials be provided electronically or will some of the “patent application files” be available in paper form only?

(B) For materials provided electronically will they be provided on physical media (tape, DVD, etc.) or via ftp?

(C) Is access to PubWest solely possible by having staff on site at the USPTO?

**Answer for (A):** We do not anticipate providing any paper applications.

**Answer for (B):** The preferred transmission will be via ftp.

**Answer for (C):** The access to Pub West is via secure connection through the Internet.

**21. Question:** REFERENCE SECTION C.11, REPORTING REQUIREMENT. The referenced section states as follows:

**“C.11 REPORTING REQUIREMENT**

The contractor shall provide daily, weekly, and monthly reports as required.”

Please describe the proposed reports in greater detail, noting the categories of data to be required, the sources of such data, and the processing, corroboration and distribution required of such reports.

**Answer:** See the answer to question number 2.

**22. Question:** REFERENCE G.7 FAR 52.245-2 GOVERNMENT PROPERTY (FIXED-PRICE CONTRACTS) (MAY 2004). The referenced section incorporates verbatim the reference Government Property clause. Per the requirements of that clause, will USPTO be providing a schedule of Government property that is to be afforded under the contract? If no government property is to be provided, can this clause be deleted?

**Answer:** See Amendment 0001 to the RFP that deletes this clause.

**23. Question:** REFERENCE H.2 OPTION TO EXTEND THE TERM OF THE CONTRACT. The referenced section says that the USPTO may extend the term of the contract by unilateral modification. To avoid any future concerns regarding out-of-scope ("cardinal") changes, please confirm that any such extension will be per the option and award terms contemplated by the solicitation.

**Answer:** Yes.

**24. Question:** REFERENCE H.14 DUPLICATION AND DISCLOSURE OF CONFIDENTIAL INFORMATION. The RFP specifically prohibits duplication of data. Does this mean the contractor is not allowed to load the data into a secure operations system (cf. C10 which seems to contradict this)? Does this prevent the contractor from making temporary copies for Disaster Recovery purposes? Would it also prevent a contractor from scanning any paper patent application files?

**Answer:** See the answer to question number 3.

**25. Question:** REF.: H.15 GOVERNMENT IDENTIFICATION/SUITABILITY INVESTIGATION REQUIREMENTS FOR CONTRACTOR EMPLOYEES

Can USPTO confirm that it is permissible for all or part of the work for this solicitation to be carried out outside the United States?

**Answer:** See the answer to question number 4.



**26. Question:** REFERENCE SECTION H.16, IT Security Requirements for Unclassified Information Technology Resources; SECTION H.19, CAR 1352.239-73, Security Requirements for Information Technology Resources; SECTION H.20, CAR 1352.239-74, SECURITY PROCESSING REQUIREMENTS FOR CONTRACTORS/SUBCONTRACTOR PERSONNEL FOR ACCESSING USPTO AUTOMATED INFORMATION SYSTEMS

Please confirm that, under the terms of the solicitation, the contractor will not need to (i) have physical or electronic access to USPTO's sensitive information contained in unclassified systems that directly support the mission of the Agency, (ii) have access to automated information systems operated by the contractor for USPTO, or (iii) be interconnected to a USPTO network to perform contract services, which would trigger the requirements of the referenced clauses. If any such access will be required, please describe.

**Answer:** See Amendment 0001 to the RFP, which deletes Clause H.16 IT SECURITY REQUIREMENTS FOR UNCLASSIFIED INFORMATION TECHNOLOGY RESOURCES and Clause H.20 CAR 1352.239-74 SECURITY PROCESSING REQUIREMENTS FOR CONTRACTORS/SUBCONTRACTOR PERSONNEL FOR ACCESSING USPTO AUTOMATED INFORMATION SYSTEMS. It is not anticipated at this time that the successful Offeror will operate an AIS for the USPTO or interconnect with a USPTO network to perform contract services. Because the successful Offeror will have access to sensitive USPTO information, the requirements of Clause H.19, CAR 1352.239-73 Security Requirements for Information Technology Resources will apply to the resulting contract.

IN ADDITION, Amendment 0001 to the RFP will add new Firm Fixed Price CLIN 0007 to Section B that will require each Offeror to separately price the effort associated with complying with the requirements of Clause CAR 1352.239-73 Security Requirements for Information Technology Resources.

**27. Question:** REFERENCE SECTION L.3.2.

Point 2 in the referenced section states as follows:

The offeror should provide the total number of employees to be assigned to this contract...

(A) As a guideline, can the USPTO provide details of their estimates of the number of employees for contract periods I through V that were used to prepare the budget estimates given in SECTION C.3?

(B) Alternatively, can USPTO provide details of the number and type (Grade) of USPTO staff engaged in PG Pubs activities during the last fiscal year?

**Answer for (A):** No.

**Answer for (B):** No, this information is not readily available.

**28. Question:** Reference Section L.3 page 48 and Section L.20 page 56.

(A) Section L.3 states that “Volume I shall not exceed 50 total pages” whereas Section L.20 states “Volume I shall not exceed 45 total pages”. Please clarify.

(B) What, if any, is the page limitation of Volume I – Section A? Volume I – Section B?

**Answer (A):** See Amendment 0001 to the RFP.

**Answer (B):** There are not page limits for specific sections of Volume I.

**29. Question:** Reference Section C.1, paragraph 1, page 16.

(A) Is the contractor to provide a facility?

(B) Or will the work be performed in a Government facility?

(C) If a contractor-provided facility, please describe the constraints with respect to:

- location [e.g., CONUS only, multiple (i.e., two or more CONUS-only facilities; split (i.e., 50% CONUS, 50% ex-CONUS); other?]
- proximity [i.e., ≤ x miles from USPTO–Alexandria/Crystal City; ≤ t miles from USPTO–specific district facility; other?]

**Answer (A)** Yes.

**Answer (B)** No.

**Answer (C)** Work shall only be performed inside the continental United States, Alaska or Hawaii. There are no constraints with respect to number of facilities used or proximity to the USPTO as long as the Offeror complies with all of the requirements of the RFP.

**30. Question:** Reference Section C.6.10, last paragraph, page 20, which states “The contractor shall not remove any patent application information from the USPTO-designated and approved work site”. To achieve USPTO approval of the contractor-provided facility as a USPTO-designated and approved work site, what are the USPTO facility requirements and a reasonable timeframe for granting approval?

**Answer:** See Amendment 0001 to the RFP that will delete the sentence referring to the USPTO-designated and approved work site.

**31. Question:** Reference Section C.4(d), page 17 which states “The PTO is currently using a prototype Application Routing Tool (ART) to determine . . .”.

(A) To what extent is the contractor expected to use ARTS to route classified application to Tech Center/GAU?

(B) When will a determination be made as to whether or not USPTO will keep ARTS?

**Answer (A)** The USPTO will provide data from ART to the successful offeror under this contract. The actual routing will be performed by the USPTO based on the classification data provided by the successful offeror (See section C.6.3 Primary Classifications under the RFP). The successful offeror is not required to use this information in performance of the resulting contract.

**Answer (B)** There are currently no plans to discontinue ART.

**32. Question:** Reference Section C.10, paragraph 1, page 23, which says “The USPTO will also provide access to PubWest (a web-based patent examiner search engine).” In addition to providing contractor access to PubWest, what other web-based or equivalent resources will USPTO grant access to the contractor?

**Answer:** No further resources will be provided. See RFP references in Section C.5 of the RFP.

**33. Question:** Reference Section E.2, page 25 and Section L.3, page 48. Paragraph E.2 is titled "QUALITY ASSURANCE SURVEILLANCE PLAN" however the paragraph below only refers to a "Quality Control Plan". Section L3 also refers to a "Quality Control Plan". Is the required “Quality Control Plan” included in the Volume I page count, or is it attached as an attachment to the proposal?

**Answer:** See Amendment 0001 to the RFP that will delete references to a QUALITY ASSURANCE SURVEILLANCE PLAN and replace with references to a Quality Control Plan. In addition, Section L. 3 of the RFP states “ \*Volume I shall not exceed 50 total pages exclusive of Past Performance Questionnaires (Attachment “B” to this RFP) and Letters of Commitment for any proposed Key Personnel (see Attachment “C” to this RFP)”. Therefore, the required “Quality Control Plan” is included in the Volume I page count.

**34. Question:** Reference Section L.3.1, pg. 49 and Section M.6.E, pg. 60. Please define and describe the difference between L.3.1 “Evaluation Factor A: Technical Approach” and the M.6 implication of “Factor A Quality Assurance Plan”.

**Answer:** See Amendment 0001 to the RFP that will delete “Quality Assurance Plan” and replace with “Technical Approach” under Section M.6.E.

**35. Question:** Reference Section C.6.8, page 19 and Section B, schedules. Section C.6.8 states “ . . . classification of plant applications is not contemplated in this solicitation”. Section B CLINs 0001B - K include “plant” as well as “utility”. Please explain the difference.

**Answer:** See Amendment 0001 to the RFP that will delete references to Plant Applications under CLINs 0001B through 0001K.

**36. Question:** How are the offerors supposed to submit the Past Performance Questionnaires required under the RFP.

**Answer:** Section L.3.2, paragraph 3 of the RFP states “The USPTO will utilize past performance information submitted by each offeror in response to the solicitation. Each offeror will have the cognizant contract reference complete a Past Performance Questionnaire for each contract provided as a past performance reference under its proposal (see Attachment B to this RFP). Each cognizant contract reference must (1) Fully complete and sign the questionnaire found at Attachment B; (2) Place the questionnaire in a sealed envelope which contains the cognizant contract reference agency’s/company’s letter head and (3) Return the sealed envelope to the evaluated Offeror for inclusion in Volume I of the Offeror’s proposal to be submitted to the USPTO by the RFP closing date. Offerors are prohibited from opening the sealed envelope containing the completed questionnaire. If the USPTO determines that the Offeror opened the sealed references or tampered with a questionnaire in any way, the Offeror will be deemed ineligible for award.”

**37. Question:** If an Offeror under the subject RFP also provides patent prosecution services, would this be considered an organizational conflict of interest under Clause H.5 of the RFP, Organizational Conflict of Interest. If so, what is the best way to mitigate this conflict of interest?

**Answer:** In the introduction to Volume II of the Offeror's proposal, the Offeror shall clearly identify any Organizational Conflict of Interest such as this in accordance with paragraph (a) of clause H.5. The Offeror shall also propose a plan to mitigate any identified conflict of interest. The USPTO is likely to favorably consider an Offeror's plan to mitigate the conflict of interest identified in the question by recusing itself from providing PG Pub Classification Services on patent applications it participated in filing. An Offeror which also provides patent prosecution services will likely need to take additional steps to ensure compliance with clauses H.8, H.9, and H.14, regarding confidentiality of patent application data. Such steps should include ensuring that the Offeror's employees who are given access to patent application data under a contract resulting from this RFP do not participate in providing patent prosecution services.

**38. Question:** Will the list of attendees as well as the slides from the pre-proposal conference be made available to the public?

**Answer:** Yes. They have been posted on the RFP website home page.

**39. Question:** Is there any possibility of extending the RFP closing date?

**Answer:** Amendment 0001 to the RFP extends the RFP closing date from 2:00 P.M. Eastern Standard Time (EST) on April 10, 2006 to 2:00 P.M. Eastern Standard Time (EST) on April 21, 2006.